

## REMARKS

Claims 3, 4, 8, 9, 11, 12, 15, and 16 are currently pending in the application.

On page 2 of the Office Action, claims 3, 8, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,209,089 (Selitrennikoff) in view of U.S. Publication No. 2002/0156965 (Gusler).

On page 3 of the Office Action, the Examiner stated that Gusler teaches, “periodically acquiring the selected one kind of data from said client before said replacement.”

Applicants respectfully submit that as recited in claim 3, in the present invention, one of the plurality of kinds of data is selected, and the selected one kind of data includes data backed up in the environment just before the replacement of the disk in the client. The selected one kind of data is periodically acquired from the client before the replacement of the disk.

In contrast, according to Gusler, *all* of the data and applications on all storage media and all nodes or clients of a network should be periodically backed up. Therefore, in contrast to the present invention, Gusler fails to disclose or suggest, periodically acquiring *the selected one kind of data* from a client.

Moreover, Gusler does not disclose replacement of a disk. Further still, Gusler’s statement is a general statement regarding what *should* occur, and Gusler offers no detail regarding such action.

As Selitrennikoff simply states that a client computer obtains data files, application programs, and other information located on a server computer, Selitrennikoff does not disclose or suggest periodically acquiring a selected one kind of data from a client, Selitrennikoff does not teach a *selected one kind of data*. Moreover, in Selitrennikoff, data is not acquired from a client; rather, data is acquired from a server computer.

In light of the foregoing, independent claims 3 and 8 are patentable over Selitrennikoff in view of Gusler, as neither Selitrennikoff nor Gusler, alone or in combination, teaches or suggests the above-identified feature of the present invention.

As claim 11 depends from independent claim 3, claim 11 is patentable over Selitrennikoff in view of Gusler for at least the reasons presented for independent claim 3.

Applicants further submit that assuming *arguendo* that U.S. Patent No. 5,133,065 (Cheffetz) discloses sending document data to a server, Cheffetz does not disclose or suggest, "periodically acquiring a *selected one kind of data* from a client," as in the present invention, as Cheffetz does not teach a selected one kind of data.

Therefore, claim 15 is patentable over Selitrennikoff in view of Gusler and in further view of Cheffetz for at least the reasons presented for independent claim 3.

On page 5 of the Office Action, claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Selitrennikoff in view of U.S. Patent No. 6,487,718 (Rodriquez).

Applicants respectfully submit that as recited in independent claims 4 and 9, in the present invention, an application program included in data, which is backed up in the environment at the time of initially setting the client, is updated to the latest version until the replacement of the hard disk. Therefore, in the present invention, an *application program* is updated to the latest version.

The Examiner acknowledges that Selitrennikoff fails to teach the updating of the present invention but alleges that Rodriquez teaches the feature.

In contrast to the present invention, in Rodriquez, an updated snapshot image is present in the client. Rodriquez does not disclose updating an application program *until replacement of a hard disk*.

Moreover, Rodriquez clearly states that the snapshot image is merely a copy of the user's operation environment on the client, as represented by the image. Although the snapshot image is made when an application is to be installed on the client, the contents of the snapshot image simply include the operating environment on the client, not the application program itself. Therefore, in contrast to the present invention, the application program itself is not updated in Rodriquez.

In light of the foregoing, claims 4 and 9 are patentable over the references, as neither Selitrennikoff nor Rodriquez, alone or in combination, teaches or suggests the above-identified feature of the claims of the present invention.

As claims 12 and 16 depend from independent claim 4, claims 12 and 16 are patentable over the references for at least the reasons presented for the independent claims.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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